

**JUNCTION CITY/MILFORD/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

MINUTES

June 12, 2014

**Members
(Present)**

Maureen Gustafson
John Moyer
Ken Mortensen
Chuck Mowry
Mike Watson
Gayle Edmiston

**Members
(Absent)**

Brandon Dibben

**Staff
(Present)**

David Yearout
Shari Lenhart

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 7:00 p.m. and declared a quorum with all members present with the exception of Commissioner Dibben.

2. APPROVAL OF MINUTES

Commissioner Edmiston moved to approve the minutes of the May 2014, meeting as written. Commissioner Watson seconded the motion and it carried unanimously.

3. NEW BUSINESS

Item No. 1 – SUP-06-01-14 – Public Hearing to consider a Special Use Permit for a business office.

Chair Gustafson opened the public hearing on the application of Charles Osbourn, owner, requesting a Special Use Permit to allow a business office in a residence on property zoned “RG” General Residential, at 1306 Johnson Drive, Junction City, Kansas, and called for the staff report.

Mr. Yearout stated this case arose out of neighborhood complaints of a business being run out of the home. This was verified, and it was explained to Mr. Osbourn the type of business being run from his home was not a permitted home occupation. Mr. Osbourn was advised his options were to request a rezone, special use permit, or cease his construction operation at this location. Mr. Osbourn chose to pursue the Special Use Permit.

Additionally, Mr. Osbourn has indicated he stores equipment in a garage located at 1610 North Jefferson; which was also determined to be in violation of the Zoning Regulations because that property is zoned “RM” Multiple Family Residential and the use of the detached garage as a storage facility for a contractor is not a permitted use.

Mr. Yearout indicated the staff report outlines the guidelines to be addressed in reaching a recommendation for a Special Use Permit, and staff's comments concerning those issues. Mr. Yearout stated the purpose of the zoning is to preserve the integrity of a residential neighborhood. The neighborhood complaints dealt with the number of vehicles showing up early in the morning, the noise, traffic congestion, and safety for all the children in the area. Mr. Yearout noted that a copy of correspondence received from area neighbors was included in their packet information.

Mr. Yearout concluded, based on the evaluation of the request under the provisions of the Zoning Regulations as detailed in the staff report, and the intensity of the business, staff is recommending denial of the requested Special Use Permit.

Commissioner Edmiston asked how this request was connected with the Code Enforcement Department. Mr. Yearout stated he initially visited with Mark Karmann, Codes Administrator, since Mr. Osbourn is a licensed contractor. Mr. Karmann verified that Mr. Osbourn is a licensed contractor and very well respected within the community for doing quality work. Mr. Yearout stressed this is not against Mr. Osbourn; however, the intensity of the operation is a problem at the current location.

There being no further questions of staff, Chair Gustafson opened the meeting for public comment.

Mr. Charles Osbourn, 1306 Johnson Drive, stated he purchased the house a couple of years ago and is working on a complete remodeling of the home. Mr. Osbourn stated he rents the garage at 1610 North Jefferson to store equipment. Mr. Osbourn stated he specifically had a room remodeled at the Johnson Drive property as an office for his secretary so she did not have to work from her home. Once the secretary began to come to this location, the other employees started meeting at this house...sometimes with their children...drink coffee, and then take the children to school prior to going to their assigned job site.

Mr. Osbourn stated he did not realize he was in violation of the Zoning Regulations or that there was a problem with the neighbors until he visited with Mr. Karmann and received the letter from Mr. Yearout. Mr. Osbourn stated none of the neighbors ever approached him about the traffic and noise problems.

Mr. Osbourn stated since this has all come about he started looking for an appropriate location for his construction business. He stated he is pursuing a contract for a piece of property in the City that will require a rezoning.

Mr. Yearout confirmed a representative of the property owner has made application to rezone the property in question and that the case would be heard at the July 12th meeting. Mr. Yearout also stated that, so long as Mr. Osbourn was pursuing a location for the business that was in compliance with the regulations, no enforcement action would be taken by the City.

Discussion ensued between Mr. Osbourn, Commissioners, and staff on issues of employees meeting at the house; length and frequency of workers in and out of the home; the impacts this type of activity can have on a residential neighborhood; the timeframe to complete rezoning cases; and the value of Mr. Osbourn actively moving to solve the problem.

Craig Noda, 1314 Johnson Drive, stated they lived two houses from Mr. Osbourn. Mr. Noda stated the parked vehicles along the street poses a safety hazard for the children; that drivers on Johnson Drive cannot see them; that the vehicles often block the mailboxes and trash cans, preventing mail delivery and trash pickup; that the front yard has tires, toilet and other debris, not acceptable for a residential area; and that there is a construction trailer parked on the lawn. Mr. Noda presented several pictures of the area which he said were taken earlier in the day. Mr. Noda stated there are a lot of older people in the neighborhood that could not make the meeting but were not in favor of this commercial use at this location because of the negative impact already experienced. Mr. Noda indicated he has heard excellent reports of Mr. Osbourn and his work; however, the commercial business does not belong in this residential neighborhood.

Mr. Osbourn stated the larger trailer was needed to transport the kitchen counter top being salvaged during the remodeling of the home. The remodeling is almost done as he is down to some painting and landscaping to finish the work. Mr. Osbourn acknowledged the tires have been there for a about a month, and the toilet for about six months.

There being no other appearances or questions, Chair Gustafson closed the public hearing and opened discussion to the Commission.

In response to a question of whether a temporary Special Use Permit could be given for Mr. Osbourn to continue at his current location, Mr. Yearout explained that a Special Use Permit could be granted for a limited period of time...but there was not a provision for a "temporary" Special Use Permit. However, since Mr. Osbourn has made a significant effort to find an appropriate location for his business, there will no enforcement action taken by the City until all "administrative" actions are resolved; which means all consideration of rezonings or other actions to relocate the business to an appropriate location. Mr. Yearout stated in the interim, Mr. Osbourn has the right to continue.

It was suggested that Mr. Osbourn make an effort to clean up the front yard, keep the noise down, and if at all possible, meet with his crew at a different location to obtain work orders for the day. The MPC expressed a concern for the safety of all the children in the neighborhood and the intensity of a construction business is not conducive in a residential setting.

Commissioner Mortensen moved that Case No. SUP-06-01-14, concerning the request of Charles Osbourn, owner, requesting a Special Use Permit to allow a business office in a residence, on property zoned "RG" General Residential, located at 1306 Johnson Drive, Junction City, Kansas, be recommended for denial based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it passed unanimously.

BOARD OF ZONING APPEALS ~ Recess as the Metropolitan Planning Commission and Convene as the Board of Zoning Appeals.

4. NEW BUSINESS

Item No. 1 Case No. BZASE-05-01-14 – Public hearing for a Special Exception from the Geary County Zoning Regulations.

Chair Gustafson opened the public hearing on the application of Steve and Vera Moreland, owners, requesting a Special Exception from the Geary County Zoning Regulations to allow construction of an accessory structure in excess of the allowable 900 square feet, on property zoned "SR" Suburban Residential, at 7326 Laurel Canyon Road, Junction City, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated the Moreland's recently acquired this property and are moving from Syracuse, Kansas. They have been remodeling the old bait shop into a home. There are no other accessory structures on this property.

As detailed in the staff report, the proposed size of the accessory building is larger than can be approved administratively. The lot is rather large and there is adequate area for the proposed building without interfering with the onsite wastewater system. The proposed garage will be used by the applicants to store their classic vehicles and other personal items and will not be used for any commercial purposes. The applicants have also indicated the old trailer presently on the property will be removed.

Mr. Yearout noted the Conditional Use Permit previously approved for the outdoor storage area is still valid. Mr. Yearout stated a number of calls were received from surrounding property owners; however, after explaining the proposal, there were no objections to allowing the proposed structure.

Mr. Yearout stated the staff report lists the guidelines for consideration of a Special Exception as set out in the County Zoning Regulations. Staff believes the requested building should not present a problem and is recommending approval of the request with the condition the size be limited to no more than a 40-foot by 60-foot structure as proposed.

There being no questions of staff, Chair Gustafson opened the hearing for public comment.

Mr. Steve Moreland, 310 South Main, Syracuse, Kansas, stated he has been in the car business for over 30 years and has collected several classic cars and does not want them setting outside; therefore, the request for the larger shed. Mr. Moreland stated it would be strictly for their personal use.

There being no other appearances, Chair Gustafson closed the public hearing.

Discussion ensued between Commissioners and staff concerning the comments made during the public hearing. No further issues were identified.

Commissioner Moyer moved that Case No. BZASE-05-01-14, the request of Steve & Vera Moreland, owners, requesting a Special Exception from the Geary County Zoning Regulations to allow construction of an accessory structure in excess of the allowable 900 square feet, at 7326 Laurel Canyon Road, Junction City, Geary County, Kansas, be approved subject to the size limitation not to exceed 2400 square feet, based on the reasons stated in the staff report and as heard at this public hearing. Commissioner Edmiston seconded the motion and it passed unanimously.

METROPOLITAN PLANNING COMMISSION – Adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission.

5. GENERAL DISCUSSION

Item No. 1 – Update on Comprehensive Plan

Mr. Yearout stated an Open House will be scheduled on the same day as the July meeting. Plans are being finalized for that activity. RDG will also make a presentation on the draft update to the Comp Plan at the July meeting. The public hearings will be in the fall.

Mr. Yearout also mentioned the City of Junction City has formed a Land Bank, which is one of the recommendations in the update to the Comprehensive Plan. If fully implemented, the Land Bank creates a process by which the City can manage the use of the lots in the “distressed subdivisions” that have been offered at tax sales but which did not sell. More information regarding the Land Bank will be forthcoming as the City Commission starts making policy decisions regarding the use of the authority.

Item No. 2 – Metropolitan Planning Organization

Mr. Yearout stated the Regional Transportation Plan is beginning and the work on the Transportation Demand Model continues. It is still planned for the Transportation Planner, Stephanie Watts, to appear with a more detailed demonstration of the Transportation Demand Model and how it can be used for future transportation planning.

Item No. 3 – Other Items

Commissioner Watson stated he had ~~received calls from~~ visited personally with* some county residents who were upset about the requirement that any new home site must have access to a paved road. Mr. Yearout explained the pavement requirement was for new subdivisions only, not individual homes on existing properties or on lots created by an Ag Lot Split. Mr. Yearout said the staff had not received any complaints or concerns regarding this matter, and he had not heard of anything of this nature coming from the County Commissioners either.

Commissioner Moyer stated he had been approached by Westar to sell some of his property for a new substation and asked if this would constitute a conflict of interest, if Westar were to submit a case for consideration by the Commission. Mr. Yearout explained it would depend on whether or not the application actually covered property owned by him or if he owned land in the notification area.

It was noted that elections of officers should have taken place tonight. Mr. Yearout stated, due to the oversight, election of officers would be on next month's agenda.

Chair Gustafson and Commissioner Edmiston stated they would be out of town and would not be able to attend the July meeting. Commissioner Moyer indicated he would be gone during the August meeting.

6. ADJOURNMENT

Commissioner Moyer moved to adjourn. Commissioner Watson seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 8:22 p.m.

PASSED and APPROVED this 10th day of July 2014.

Maureen Gustafson, Chair

ATTEST:

David L. Yearout, Secretary

*Corrected per Commissioner Watson at the July meeting.